

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

MICHAEL D. SCHIMEK,

Chapter 7
Case No. 24-10213-mg

Debtor.

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**ORDER AUTHORIZING GLORIA ALLRED, CREDITOR, TO SERVE A SUBPOENA
UPON THE DEBTOR TO APPEAR FOR ORAL DEPOSITION**

Upon the *ex parte* application dated March 14, 2024, (the “Motion”) of Gloria Allred (the “Movant”) pursuant to Bankruptcy Rule 2004, for an order authorizing the Movant to issue a subpoena upon Michael D. Schimek (the “Debtor”) to appear for oral deposition as more fully set forth in the Motion; and this Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. § 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having determined that the relief requested in the Motion is in the best interests of the Debtor’s estate, creditors and other parties in interest, and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor; it is

ORDERED that the Motion is granted on the terms set forth herein; and it is further

ORDERED that the Movant is authorized under Bankruptcy Rule 2004 and 9016, to issue such subpoenas as may be necessary to compel the Debtor to appear for oral deposition in connection with the administration of this chapter 7 case; and it is further

ORDERED that unless otherwise agreed to by the Movant, the Debtor shall have fourteen (14) days from the service of the subpoena to either (1) produce to the Movant all responsive

documents requested in the Movant's subpoena, other than those documents withheld under a claim of privilege, or (2) file with this Court an objection or response to the subpoena with a hearing promptly scheduled; and it is further; and it is further

ORDERED that the Witness is directed to submit to oral examination upon reasonable notice and, absent other agreement with the Movant, not earlier than seventeen (17) days from the date of service of a deposition subpoena upon the Witness; and it is further

ORDERED that nothing herein shall limit the rights of the Debtor under applicable law to object to or oppose any subpoena the Movant may serve upon the Debtor; and it is further

ORDERED that the Movant shall file with the Court an affidavit or declaration of service for each subpoenas Movant serves; and it is further

ORDERED that this Order is without prejudice to the Movant's right to file further motions seeking additional documents and/or testimony pursuant to Bankruptcy Rule 2004(a) or any other applicable law; and it is further

ORDERED that the Court shall retain jurisdiction to resolve any disputes arising or related to this Order including any discovery disputes that may arise between or among the parties and to interpret, implement and enforce the provisions of this Order.